IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION NO : 16284 of 2004

Between:

K. Nagabhushana Rao, S/o. K. Narasimha Rao,
D.No. 1/1279, H.B.S. Colony, Yemmiganur, Kurnool District.

..... PETITIONER

AND

1 The Assistant Director, Survey and Land Records Department, KURNOOL.
2 The Mandal Revenue Officer, Yemmiganur, Kurnool district.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not conducting survey of the petitioners land in Sy.No. 331C to an extent of Ac.0.23 cents situated at Yemmiganur, Kurnool District, and the Lr.Dt.18-12-2003 of 1st Respondent as illegal and arbitrary and consequently direct the respondents to survey the said land and demarcate boundaries.

Counsel for the Petitioner:MR.B.VIJAYA BHASKER

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following ORDER:

The petitioner claims to be owner and possessor of land in Survey No.331C to an extent of Ac.0.23 cents out of Ac.0.71 cents situated at Yemmiganur, Kurnool District. He succeeded the said property from his predecessors. Since some people belonging to Hamali Union are trying to encroach his land, he made an application to the first respondent-Assistant Director, Survey and Land Records Department, Kurnool, for demarcation of the land, which he succeeded from his ancestors. The first respondent by the impugned memo dated 18-12-2003 informed the petitioner that on enquiry, the survey stones are between huts and only one survey stone is available in Survey No.331C and all other survey stones surrounding to the above land are between the houses and therefore, it is not possible to measure the land. Questioning the same, the present writ petition is filed.

Since the petitioner has succeeded Ac.0.23 cents of the land, the same has to be demarcated by the respondents. Unless the property, which the petitioner claims to be succeeded, is shown, it is very difficult to demarcate the land.

In view of the same, the petitioner is at liberty to approach the Civil Court and seek for appointment of Commissioner and for due eviction of the persons, who

occupied and constructed the houses.

With the above observation, the writ petition is accordingly dismissed. No costs.

13th SEPTEMBER, 2004.

Note: furnish c.c. in three days.

B/o

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To

1 The Assistant Director, Survey and Land Records Department, KURNOOL.
2 The Mandal Revenue Officer, Yemmiganur, Kurnool district.

3 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad.

4 Two CD copies.